

REMARKS

Claims 1-37 were pending when the office action was mailed. Claims 1 and 10 are amended. No new matter is added. Claims 11, 12, 23, 24 and 35-37 are canceled. Claims 1-10, 13-22 and 25-34 are now pending.

Claim 37 was objected to as being a substantial duplicate of claim 12. Claims 1-12 and 37 were rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. Claims 11, 12, 23, 24, 35 and 36 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,301,267 (“Hassett”). Claims 13-22 and 25-34 were allowed. The applicant respectfully traverses the rejections of the pending claims and requests reconsideration and reexamination in view of the amendments and remarks herein.

Interview Summary

The applicant's representative, Brenda Leeds Binder, had telephonic interviews with the Examiner on March 4, 2009 and March 6, 2009, to discuss possible claim amendments to claims 1 and 10 to overcome the § 101 rejections. The Examiner reviewed the amendments to claims 1 and 10 included herein and an agreement was reached that the amendments would overcome the § 101 rejections.

Claim Objections

Claims 37 was objected to under 37 C.F.R. 1.75 as being a substantial duplicate of claim 12. For the sake of expediting prosecution, and without prejudice, the applicant has canceled claim 37.

§ 101 Rejections

The Examiner rejected claims 1-12 under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. The Examiner asserts that based on certain Court decisions, including *In re Bilski*, a statutory process must be (1) tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing. This test has been referred to as the machine-or-

transformation test. The applicant respectfully submits that independent claims 1 and 10, as amended, satisfy the machine-or-transformation test and recite statutory processes.

Claim 1 is amended and recites, following the preamble, the following: “performing operations by a computer, the operations comprising”. Six paragraphs then follow that specify operations performed by the computer. The second paragraph recites that a set of initial density values is calculated by a programmable processor of the computer. The third paragraph recites that an initial adjustment value is calculated by the programmable processor. The fourth paragraph recites that a length of an edge of a glyph is calculated by the programmable processor. The sixth paragraph recites that a representation of the glyph is provided on a display device of the computer.

The applicant respectfully submits that claim 1, as amended, complies with the “machine-or-transformation” test set out in *In re Bilski*, as the limitations in the method claim are clearly tied to a particular machine, *i.e.*, the computer including the programmable processor programmed with a particular algorithm and the display device. The applicant respectfully refers the Examiner to *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339 (Fed. Circ. 1999), wherein the Court stated: “A general purpose computer, or microprocessor, programmed to carry out an algorithm creates “a new machine, because a general purpose computer in effect becomes a special purpose computer once it is programmed to perform particular functions pursuant to instructions from program software.” *In re Alappat*, 33 F.3d 1526, 1545, 31 USPQ2d 1545, 1558 (Fed. Cir. 1994) (en banc); see *In re Bernhart*, 417 F.2d 1395, 1399-1400, 163 USPQ 611, 615-16 (CCPA 1969) (“[I]f a machine is programmed in a certain new and unobvious way, it is physically different from the machine without that program; its memory elements are differently arranged.”).” Accordingly, the applicant respectfully submits that as the limitations in claim 1 are clearly tied to a special purpose computer, the test set out in *In re Bilski* is satisfied.

Additionally, the applicant respectfully submits the claim recites a transformation of an article into a different state or thing, also in compliance with the “machine-or-transformation” test set out in *In re Bilski*. The glyph received by the computer is transformed to adjust the initial

density values for each of a set of device pixels representing the glyph and the glyph, with the adjusted density values, is represented on the display device of the computer.

For at least the above reasons, the applicant respectfully submits that claim 1, as amended, complies with the “machine-or-transformation” test set out in *In re Bilski*. Claims 2-9 depend from claim 1 and are therefore allowable for at least the same reasons.

Claim 10 recites a computer-implemented method of rendering a stroke. Following the preamble, the claim recites “in a processor operatively coupled to a display device, performing the actions of.” Five paragraphs then follow that specify the actions performed in the processor. A final paragraph recites “providing a representation of the stroke on the display device”. The claim therefore clearly sets out actions performed by a processor and by a display device. Accordingly, the limitations in the method claim are clearly tied to a particular machine, *i.e.*, the programmed (i.e., special purpose) computer including the processor operatively coupled to the display device.

Additionally, the applicant respectfully submits the claim recites a transformation of an article into a different state or thing, also in compliance with the “machine-or-transformation” test set out in *In re Bilski*. The path representing a stroke received by the computer is transformed to adjust the initial density values for each of a set of device pixels representing the stroke. The stroke, with the adjusted density values, is represented on the display device.

For at least the above reasons, the applicant respectfully submits that claim 10, as amended, complies with the “machine-or-transformation” test set out in *In re Bilski*.

§ 102 Rejections

For the sake of expediting prosecution, claims 11, 12, 23, 24, 35 and 36 are canceled.

Allowed Claims

The Examiner has allowed claims 13-22 and 25-34, for which the applicant is appreciative.

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Conclusion

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

No fees are believed due, however, please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 11, 2009 _____

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